

BEFORE THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE

IN RE: UNIVERSAL SERVICE GENERIC)
CONTESTED CASE) DOCKET NO. 97-00888
)

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RESPONSE IN OPPOSITION TO CITIZENS TELECOMMUNICATIONS
"EMERGENCY REQUEST FOR INTERIM RELIEF"

Comes the Consumer Advocate Division, in opposition to Citizens Telecommunications (CTC) "Emergency Request for Interim Relief".¹ For cause the Division would show that CTC has not demonstrated that such relief is legally or factually warranted and in fact is acting imprudently.

Citizens, without submitting any of the factual data required by TRA rules, alleges that it has elected to voluntarily act in a manner, on a future date, August 8, 1997, which will allegedly reduce its income. Although it cites several federal acts it fails to show that any federal act requires it to implement any mechanism which will result in an adverse chain of events on that date.

Moreover, CTC by electing the "price regulation plan" is bound by the legislation which authorized the plan. CTC fails to cite any statute which provides for "emergency interim relief," retroactive application of any increase or "temporary replacement of lost subsidies."

In addition, no need for alternative "universal support" has been determined to exist as

¹ The Consumer Advocate Division received the CTC filing on July 24, 1997.

required by Tenn. Code Ann. §§ 65-5-207(b)(c).

Moreover, directing the deferred revenue account to universal service would be illegal. Tennessee law only requires “telecommunications service providers” to contribute to universal service support. Tenn. Code Ann. § 65-5-207(a). The deferred revenue account is an account vested on behalf of Tennessee consumers. Tennessee consumers are not telecommunications service providers. As a result utilizing the deferred revenue account would be an “unwarranted subsidization” prohibited by Tenn. Code Ann. § 65-5-207(c). As stated earlier only telecommunications service providers are the entities required to contribute to universal service support. Indeed, Tenn. Code Ann. § 65-5-207(c) expressly provides:

Nothing in this section shall be construed to require the authority to raise residential basic local exchange rates.

Tennessee law, and not federal law, thus controls the manner in which intrastate universal service is provided.

For all of these reasons, the Consumer Advocate Division respectfully submits that the TRA should deny CTC’s request and further that the TRA should distribute the funds in the deferred revenue account to Tennessee consumers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Vincent Williams", with a stylized flourish at the end.

L. Vincent Williams

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Response was served on the parties listed below by mail on this the 25th day of July 1997.

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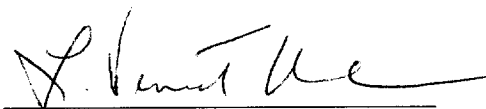
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